

FIRST REGULAR SESSION

HOUSE BILL NO. 910

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BUTLER (Sponsor) AND CARPENTER (Co-sponsor).

2108H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 311.070, 311.086, 311.088, 311.089, 311.095, 311.096, 311.174, 311.176, 311.178, 311.179, 311.190, 311.200, 311.218, 311.290, 311.293, 311.480, 311.482, and 311.489, RSMo, and to enact in lieu thereof twelve new sections relating to the sale of intoxicating liquor, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 311.070, 311.086, 311.088, 311.089, 311.095, 311.096, 311.174, 311.176, 311.178, 311.179, 311.190, 311.200, 311.218, 311.290, 311.293, 311.480, 311.482, and 311.489, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 311.070, 311.075, 311.086, 311.089, 311.095, 311.096, 311.179, 311.190, 311.200, 311.218, 311.480, and 311.482, RSMo, to read as follows:

311.070. 1. Distillers, wholesalers, winemakers, brewers or their employees, officers or agents shall not, except as provided in this section, directly or indirectly, have any financial interest in the retail business for sale of intoxicating liquors, and shall not, except as provided in this section, directly or indirectly, loan, give away or furnish equipment, money, credit or property of any kind, except ordinary commercial credit for liquors sold to such retail dealers. However, notwithstanding any other provision of this chapter to the contrary, for the purpose of the promotion of tourism, a distiller whose manufacturing establishment is located within this state may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor, as in this chapter defined, by the drink at retail for consumption on the premises where sold; and provided further that the premises so licensed shall be in close proximity to the distillery [and may remain open between the hours of 6:00 a.m. and midnight, Monday through Saturday and between the hours of 11:00 a.m. and 9:00 p.m., Sunday]. The authority for the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 collection of fees by cities and counties as provided in section 311.220, and all other laws and
14 regulations relating to the sale of liquor by the drink for consumption on the premises where
15 sold, shall apply to the holder of a license issued under the provisions of this section in the same
16 manner as they apply to establishments licensed under the provisions of section 311.085,
17 311.090, or 311.095.

18 2. Any distiller, wholesaler, winemaker or brewer who shall violate the provisions of
19 subsection 1 of this section, or permit his employees, officers or agents to do so, shall be guilty
20 of a misdemeanor, and upon conviction thereof shall be punished as follows:

21 (1) For the first offense, by a fine of one thousand dollars;

22 (2) For a second offense, by a fine of five thousand dollars; and

23 (3) For a third or subsequent offense, by a fine of ten thousand dollars or the license of
24 such person shall be revoked.

25 3. As used in this section, the following terms mean:

26 (1) "Consumer advertising specialties", advertising items that are designed to be carried
27 away by the consumer, such items include, but are not limited to: trading stamps, nonalcoholic
28 mixers, pouring racks, ash trays, bottle or can openers, cork screws, shopping bags, matches,
29 printed recipes, pamphlets, cards, leaflets, blotters, postcards, pencils, shirts, caps and visors;

30 (2) "Equipment and supplies", glassware (or similar containers made of other material),
31 dispensing accessories, carbon dioxide (and other gasses used in dispensing equipment) or ice.
32 "Dispensing accessories" include standards, faucets, cold plates, rods, vents, taps, tap standards,
33 hoses, washers, couplings, gas gauges, vent tongues, shanks, and check valves;

34 (3) "Permanent point-of-sale advertising materials", advertising items designed to be
35 used within a retail business establishment for an extended period of time to attract consumer
36 attention to the products of a distiller, wholesaler, winemaker or brewer. Such materials shall
37 only include inside signs (electric, mechanical or otherwise), mirrors, and sweepstakes/contest
38 prizes displayed on the licensed premises;

39 (4) "Product display", wine racks, bins, barrels, casks, shelving or similar items the
40 primary function of which is to hold and display consumer products;

41 (5) "Promotion", an advertising and publicity campaign to further the acceptance and sale
42 of the merchandise or products of a distiller, wholesaler, winemaker or brewer;

43 (6) "Temporary point-of-sale advertising materials", advertising items designed to be
44 used for short periods of time. Such materials include, but are not limited to: banners,
45 decorations reflecting a particular season or a limited-time promotion, or paper napkins, coasters,
46 cups, or menus.

47 4. Notwithstanding other provisions contained herein, the distiller, wholesaler,
48 winemaker or brewer, or their employees, officers or agents may engage in the following
49 activities with a retail licensee licensed pursuant to this chapter:

50 (1) The distiller, wholesaler, winemaker or brewer may give or sell product displays to
51 a retail business if all of the following requirements are met:

52 (a) The total value of all product displays given or sold to a retail business shall not
53 exceed three hundred dollars per brand at any one time in any one retail outlet. There shall be
54 no combining or pooling of the three hundred dollar limits to provide a retail business a product
55 display in excess of three hundred dollars per brand. The value of a product display is the actual
56 cost to the distiller, wholesaler, winemaker or brewer who initially purchased such product
57 display. Transportation and installation costs shall be excluded;

58 (b) All product displays shall bear in a conspicuous manner substantial advertising
59 matter on the product or the name of the distiller, wholesaler, winemaker or brewer. The name
60 and address of the retail business may appear on the product displays; and

61 (c) The giving or selling of product displays may be conditioned on the purchase of
62 intoxicating beverages advertised on the displays by the retail business in a quantity necessary
63 for the initial completion of the product display. No other condition shall be imposed by the
64 distiller, wholesaler, winemaker or brewer on the retail business in order for such retail business
65 to obtain the product display;

66 (2) Notwithstanding any provision of law to the contrary, the distiller, wholesaler,
67 winemaker or brewer may provide, give or sell any permanent point-of-sale advertising
68 materials, temporary point-of-sale advertising materials, and consumer advertising specialties
69 to a retail business if all the following requirements are met:

70 (a) The total value of all permanent point-of-sale advertising materials provided to a
71 retail business by a distiller, wholesaler, winemaker, or brewer shall not exceed five hundred
72 dollars per calendar year, per brand, per retail outlet. The value of permanent point-of-sale
73 advertising materials is the actual cost to the distiller, wholesaler, winemaker or brewer who
74 initially purchased such item. Transportation and installation costs shall be excluded. All
75 permanent point-of-sale advertising materials provided to a retailer shall be recorded, and records
76 shall be maintained for a period of three years;

77 (b) The provider of permanent point-of-sale advertising materials shall own and
78 otherwise control the use of permanent point-of-sale advertising materials that are provided by
79 any distiller, wholesaler, winemaker, or brewer;

80 (c) All permanent point-of-sale advertising materials, temporary point-of-sale advertising
81 materials, and consumer advertising specialties shall bear in a conspicuous manner substantial
82 advertising matter about the product or the name of the distiller, wholesaler, winemaker or

83 brewer. The name, address and logos of the retail business may appear on the permanent
84 point-of-sale advertising materials, temporary point-of-sale advertising materials, or the
85 consumer advertising specialties; and

86 (d) The distiller, wholesaler, winemaker or brewer shall not directly or indirectly pay or
87 credit the retail business for using or distributing the permanent point-of-sale advertising
88 materials, temporary point-of-sale advertising materials, or consumer advertising specialties or
89 for any incidental expenses arising from their use or distribution;

90 (3) A distiller, wholesaler, winemaker, or brewer may give a gift not to exceed a value
91 of one thousand dollars per year to a holder of a temporary permit as defined in section 311.482;

92 (4) The distiller, wholesaler, winemaker or brewer may sell equipment or supplies to a
93 retail business if all the following requirements are met:

94 (a) The equipment and supplies shall be sold at a price not less than the cost to the
95 distiller, wholesaler, winemaker or brewer who initially purchased such equipment and supplies;
96 and

97 (b) The price charged for the equipment and supplies shall be collected in accordance
98 with credit regulations as established in the code of state regulations;

99 (5) The distiller, wholesaler, winemaker or brewer may install dispensing accessories at
100 the retail business establishment, which shall include for the purposes of beer equipment to
101 properly preserve and serve draught beer only and to facilitate the delivery to the retailer the
102 brewers and wholesalers may lend, give, rent or sell and they may install or repair any of the
103 following items or render to retail licensees any of the following services: beer coils and coil
104 cleaning, sleeves and wrappings, box couplings and draft arms, beer faucets and tap markers,
105 beer and air hose, taps, vents and washers, gauges and regulators, beer and air distributors, beer
106 line insulation, coil flush hose, couplings and bucket pumps; portable coil boxes, air pumps,
107 blankets or other coverings for temporary wrappings of barrels, coil box overflow pipes, tilting
108 platforms, bumper boards, skids, cellar ladders and ramps, angle irons, ice box grates, floor
109 runways; and damage caused by any beer delivery excluding normal wear and tear and a
110 complete record of equipment furnished and installed and repairs and service made or rendered
111 must be kept by the brewer or wholesalers furnishing, making or rendering same for a period of
112 not less than one year;

113 (6) The distiller, wholesaler, winemaker or brewer may furnish, give or sell coil cleaning
114 service to a retailer of distilled spirits, wine or malt beverages;

115 (7) A wholesaler of intoxicating liquor may furnish or give and a retailer may accept a
116 sample of distilled spirits or wine as long as the retailer has not previously purchased the brand
117 from that wholesaler, if all the following requirements are met:

118 (a) The wholesaler may furnish or give not more than seven hundred fifty milliliters of
119 any brand of distilled spirits and not more than seven hundred fifty milliliters of any brand of
120 wine; if a particular product is not available in a size within the quantity limitations of this
121 subsection, a wholesaler may furnish or give to a retailer the next larger size;

122 (b) The wholesaler shall keep a record of the name of the retailer and the quantity of each
123 brand furnished or given to such retailer;

124 (c) For the purposes of this subsection, no samples of intoxicating liquor provided to
125 retailers shall be consumed on the premises nor shall any sample of intoxicating liquor be opened
126 on the premises of the retailer except as provided by the retail license;

127 (d) For the purpose of this subsection, the word "brand" refers to differences in brand
128 name of product or differences in nature of product; examples of different brands would be
129 products having a difference in: brand name; class, type or kind designation; appellation of origin
130 (wine); viticulture area (wine); vintage date (wine); age (distilled spirits); or proof (distilled
131 spirits); differences in packaging such a different style, type, size of container, or differences in
132 color or design of a label are not considered different brands;

133 (8) The distiller, wholesaler, winemaker or brewer may package and distribute
134 intoxicating beverages in combination with other nonalcoholic items as originally packaged by
135 the supplier for sale ultimately to consumers; notwithstanding any provision of law to the
136 contrary, for the purpose of this subsection, intoxicating liquor and wine wholesalers are not
137 required to charge for nonalcoholic items any more than the actual cost of purchasing such
138 nonalcoholic items from the supplier;

139 (9) The distiller, wholesaler, winemaker or brewer may sell or give the retail business
140 newspaper cuts, mats or engraved blocks for use in the advertisements of the retail business;

141 (10) The distiller, wholesaler, winemaker or brewer may in an advertisement list the
142 names and addresses of two or more unaffiliated retail businesses selling its product if all of the
143 following requirements are met:

144 (a) The advertisement shall not contain the retail price of the product;

145 (b) The listing of the retail businesses shall be the only reference to such retail businesses
146 in the advertisement;

147 (c) The listing of the retail businesses shall be relatively inconspicuous in relation to the
148 advertisement as a whole; and

149 (d) The advertisement shall not refer only to one retail business or only to a retail
150 business controlled directly or indirectly by the same retail business;

151 (11) Distillers, winemakers, wholesalers, brewers or retailers may conduct a local or
152 national sweepstakes/contest upon a licensed retail premise. The sweepstakes/contest prize

153 dollar amount shall not be limited and can be displayed in a photo, banner, or other temporary
154 point-of-sale advertising materials on a licensed premises, if the following requirements are met:

155 (a) No money or something of value is given to the retailer for the privilege or
156 opportunity of conducting the sweepstakes or contest; and

157 (b) The actual sweepstakes/contest prize is not displayed on the licensed premises if the
158 prize value exceeds the permanent point-of-sale advertising materials dollar limit provided in this
159 section;

160 (12) The distiller, wholesaler, winemaker or brewer may stock, rotate, rearrange or reset
161 the products sold by such distiller, wholesaler, winemaker or brewer at the establishment of the
162 retail business so long as the products of any other distiller, wholesaler, winemaker or brewer
163 are not altered or disturbed;

164 (13) The distiller, wholesaler, winemaker or brewer may provide a recommended shelf
165 plan or shelf schematic for distilled spirits, wine or malt beverages;

166 (14) The distiller, wholesaler, winemaker or brewer participating in the activities of a
167 retail business association may do any of the following:

168 (a) Display, serve, or donate its products at or to a convention or trade show;

169 (b) Rent display booth space if the rental fee is the same paid by all others renting similar
170 space at the association activity;

171 (c) Provide its own hospitality which is independent from the association activity;

172 (d) Purchase tickets to functions and pay registration or sponsorship fees if such purchase
173 or payment is the same as that paid by all attendees, participants or exhibitors at the association
174 activity;

175 (e) Make payments for advertisements in programs or brochures issued by retail business
176 associations if the total payments made for all such advertisements are fair and reasonable;

177 (f) Pay dues to the retail business association if such dues or payments are fair and
178 reasonable;

179 (g) Make payments or donations for retail employee training on preventive sales to
180 minors and intoxicated persons, checking identifications, age verification devices, and the liquor
181 control laws;

182 (h) Make contributions not to exceed one thousand dollars per calendar year for
183 transportation services that shall be used to assist patrons from retail establishments to his or her
184 residence or overnight accommodations;

185 (i) Donate or serve up to five hundred dollars per event of alcoholic products at retail
186 business association activities; and

187 (j) Any retail business association that receives payments or donations shall, upon
188 written request, provide the division of alcohol and tobacco control with copies of relevant
189 financial records and documents to ensure compliance with this subsection;

190 (15) The distiller, wholesaler, winemaker or brewer may sell or give a permanent outside
191 sign to a retail business if the following requirements are met:

192 (a) The sign, which shall be constructed of metal, glass, wood, plastic, or other durable,
193 rigid material, with or without illumination, or painted or otherwise printed onto a rigid material
194 or structure, shall bear in a conspicuous manner substantial advertising matter about the product
195 or the name of the distiller, wholesaler, winemaker or brewer;

196 (b) The retail business shall not be compensated, directly or indirectly, for displaying the
197 permanent sign or a temporary banner;

198 (c) The cost of the permanent sign shall not exceed five hundred dollars; and

199 (d) Temporary banners of a seasonal nature or promoting a specific event shall not be
200 constructed to be permanent outdoor signs and may be provided to retailers. The total cost of
201 temporary outdoor banners provided to a retailer in use at any one time shall not exceed five
202 hundred dollars per brand;

203 (16) A wholesaler may, but shall not be required to, exchange for an equal quantity of
204 identical product or allow credit against outstanding indebtedness for intoxicating liquor with
205 alcohol content of less than five percent by weight that was delivered in a damaged condition or
206 damaged while in the possession of the retailer;

207 (17) To assure and control product quality, wholesalers at the time of a regular delivery
208 may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of
209 intoxicating liquor with alcohol content of less than five percent by weight in its undamaged
210 original carton from the retailer's stock, if the wholesaler replaces the product with an equal
211 quantity of identical product;

212 (18) In addition to withdrawals authorized pursuant to subdivision (17) of this
213 subsection, to assure and control product quality, wholesalers at the time of a regular delivery
214 may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of
215 intoxicating liquor with alcohol content of less than five percent by weight in its undamaged
216 original carton from the retailer's stock and give the retailer credit against outstanding
217 indebtedness for the product if:

218 (a) The product is withdrawn at least thirty days after initial delivery and within
219 twenty-one days of the date considered by the manufacturer of the product to be the date the
220 product becomes inappropriate for sale to a consumer; and

221 (b) The quantity of product withdrawn does not exceed the equivalent of twenty-five
222 cases of twenty-four twelve-ounce containers; and

223 (c) To assure and control product quality, a wholesaler may, but not be required to, give
224 a retailer credit for intoxicating liquor with an alcohol content of less than five percent by weight,
225 in a container with a capacity of four gallons or more, delivered but not used, if the wholesaler
226 removes the product within seven days of the initial delivery; and

227 (19) Nothing in this section authorizes consignment sales.

228 5. (1) A distiller, wholesaler, winemaker, or brewer that is also in business as a bona
229 fide producer or vendor of nonalcoholic beverages shall not condition the sale of its alcoholic
230 beverages on the sale of its nonalcoholic beverages nor combine the sale of its alcoholic
231 beverages with the sale of its nonalcoholic beverages, except as provided in subdivision (8) of
232 subsection 4 of this section. The distiller, wholesaler, winemaker, or brewer that is also in
233 business as a bona fide producer or vendor of nonalcoholic beverages may sell, credit, market,
234 and promote nonalcoholic beverages in the same manner in which the nonalcoholic products are
235 sold, credited, marketed, or promoted by a manufacturer or wholesaler not licensed by the
236 supervisor of alcohol and tobacco control;

237 (2) Any fixtures, equipment, or furnishings provided by any distiller, wholesaler,
238 winemaker, or brewer in furtherance of the sale of nonalcoholic products shall not be used by
239 the retail licensee to store, service, display, advertise, furnish, or sell, or aid in the sale of
240 alcoholic products regulated by the supervisor of alcohol and tobacco control. All such fixtures,
241 equipment, or furnishings shall be identified by the retail licensee as being furnished by a
242 licensed distiller, wholesaler, winemaker, or brewer.

243 6. Distillers, wholesalers, brewers and winemakers, or their officers or directors shall not
244 require, by agreement or otherwise, that any retailer purchase any intoxicating liquor from such
245 distillers, wholesalers, brewers or winemakers to the exclusion in whole or in part of intoxicating
246 liquor sold or offered for sale by other distillers, wholesalers, brewers, or winemakers.

247 7. Notwithstanding any other provisions of this chapter to the contrary, a distiller or
248 wholesaler may install dispensing accessories at the retail business establishment, which shall
249 include for the purposes of distilled spirits equipment to properly preserve and serve premixed
250 distilled spirit beverages only. To facilitate delivery to the retailer, the distiller or wholesaler
251 may lend, give, rent or sell and the distiller or wholesaler may install or repair any of the
252 following items or render to retail licensees any of the following services: coils and coil
253 cleaning, draft arms, faucets and tap markers, taps, tap standards, tapping heads, hoses, valves
254 and other minor tapping equipment components, and damage caused by any delivery excluding
255 normal wear and tear. A complete record of equipment furnished and installed and repairs or
256 service made or rendered shall be kept by the distiller or wholesaler furnishing, making or
257 rendering the same for a period of not less than one year.

8. Distillers, wholesalers, winemakers, brewers or their employees or officers shall be permitted to make contributions of money or merchandise to a licensed retail liquor dealer that is a charitable, fraternal, civic, service, veterans', or religious organization as defined in section 313.005, or an educational institution if such contributions are unrelated to such organization's retail operations.

9. Distillers, brewers, wholesalers, and winemakers may make payments for advertisements in programs or brochures of tax-exempt organizations licensed under section 311.090 if the total payments made for all such advertisements are the same as those paid by other vendors.

10. A brewer or manufacturer, its employees, officers or agents may have a financial interest in the retail business for sale of intoxicating liquors at entertainment facilities owned, in whole or in part, by the brewer or manufacturer, its subsidiaries or affiliates including, but not limited to, arenas and stadiums used primarily for concerts, shows and sporting events of all kinds.

11. For the purpose of the promotion of tourism, a wine manufacturer, its employees, officers or agents located within this state may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises where sold, if the premises so licensed is in close proximity to the winery. [Such premises shall be closed during the hours specified under section 311.290 and may remain open between the hours of 9:00 a.m. and midnight on Sunday.]

12. For the purpose of the promotion of tourism, a person may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor by the drink at retail for consumption on the premises where sold, but seventy-five percent or more of the intoxicating liquor sold by such licensed person shall be Missouri-produced wines received from manufacturers licensed under section 311.190. [Such premises may remain open between the hours of 6:00 a.m. and midnight, Monday through Saturday, and between the hours of 11:00 a.m. and 9:00 p.m. on Sundays.]

311.075. 1. This section shall be known as the "Business Freedom Act".

2. No state or local government shall regulate the hours in which a person, firm, partnership, or corporation may sell intoxicating liquor.

311.086. 1. As used in this section, the following terms mean:

(1) "Common area", any area designated as a common area in a development plan for the entertainment district approved by the governing body of the city, any area of a public right-of-way that is adjacent to or within the entertainment district when it is closed to vehicular traffic and any other area identified in the development plan where a physical barrier precludes motor vehicle traffic and limits pedestrian accessibility;

7 (2) "Entertainment district", any area located in a home rule city with more than four
8 hundred thousand inhabitants and located in more than one county with a population of at least
9 four thousand inhabitants that:

10 (a) Is located in the city's central business district which is the historic core locally
11 known as the city's downtown area;

12 (b) Contains a combination of entertainment venues, bars, nightclubs, and restaurants;
13 and

14 (c) Is designated as a redevelopment area by the governing body of the city under and
15 pursuant to the Missouri downtown and rural economic stimulus act, sections 99.915 to 99.1060;

16 (3) "Portable bar", any bar, table, kiosk, cart, or stand that is not a permanent fixture and
17 can be moved from place to place;

18 (4) "Promotional association", an association, incorporated in the state of Missouri,
19 which is organized or authorized by one or more property owners located within the
20 entertainment district, who own or otherwise control not less than one hundred thousand square
21 feet of premises designed, constructed, and available for lease for bars, nightclubs, restaurants,
22 and other entertainment venues, for the purpose of organizing and promoting activities within
23 the entertainment district. For purposes of determining ownership or control as set forth in this
24 subdivision, the square footage of premises used for residential, office or retail uses, (other than
25 bars, nightclubs, restaurants, and other entertainment venues), parking facilities, and hotels
26 within the entertainment district shall not be used in the calculation of square footage.

27 2. Notwithstanding any other provisions of this chapter to the contrary, any person acting
28 on behalf of or designated by a promotional association, who possesses the qualifications
29 required by this chapter, and who meets the requirements of and complies with the provisions
30 of this chapter, may apply for, and the supervisor of alcohol and tobacco control may issue, an
31 entertainment district special license to sell intoxicating liquor by the drink for retail for
32 consumption dispensed from one or more portable bars within the common areas of the
33 entertainment district [until 3:00 a.m. on Mondays through Saturdays and from 9:00 a.m. until
34 12:00 midnight on Sundays].

35 3. An applicant granted an entertainment district special license under this section shall
36 pay a license fee of three hundred dollars per year.

37 4. Notwithstanding any other provision of this chapter to the contrary, on such days and
38 at such times designated by the promotional association, in its sole discretion, provided such
39 times are during the hours a license is allowed under this chapter to sell alcoholic beverages, the
40 promotional association may allow persons to leave licensed establishments, located in portions
41 of the entertainment district designated by the promotional association, with an alcoholic
42 beverage and enter upon and consume the alcoholic beverage within other licensed

43 establishments and common areas located in portions of the entertainment district designated by
44 the promotional association. No person shall take any alcoholic beverage or alcoholic beverages
45 outside the boundaries of the entertainment district or portions of the entertainment district as
46 designated by the promotional association, in its sole discretion. At times when a person is
47 allowed to consume alcoholic beverages dispensed from portable bars and in common areas of
48 all or any portion of the entertainment district designated by the promotional association, the
49 promotional association must and shall ensure that minors can be easily distinguished from
50 persons of legal age buying alcoholic beverages.

51 5. Every licensee within the entertainment district must and shall serve alcoholic
52 beverages in containers that display and contain the licensee's trade name or logo or some other
53 mark that is unique to that license and licensee.

54 6. The holder of an entertainment district special license is solely responsible for alcohol
55 violations occurring at its portable bar and in any common area.

311.089. Any establishment possessing or qualifying for a license to sell intoxicating
2 liquor by the drink at retail in any city not within a county, any home rule city with more than
3 four hundred thousand inhabitants and located in more than one county and if such establishment
4 is also located in a resort area, convention trade area, or enterprise zone area, the establishment
5 may apply for a Sunday by-the-drink license [between the hours of 9:00 a.m. and midnight on
6 Sunday]. The license fee for such Sunday by-the-drink license shall be six hundred dollars per
7 year. The license fee shall be prorated for the period of the license based on the cost of the
8 annual license for the establishment.

311.095. 1. Notwithstanding any other provisions of this chapter to the contrary, any
2 person who possesses the qualifications required by this chapter, and who now or hereafter meets
3 the requirements of and complies with the provisions of this chapter, may apply for, and the
4 supervisor of liquor control may issue, a license to sell intoxicating liquor, as defined in this
5 chapter, by the drink at retail for consumption on the premises of any resort as described in the
6 application. As used in this section the term "resort" means any establishment having at least
7 thirty rooms for the overnight accommodation of transient guests, having a restaurant or similar
8 facility on the premises at least sixty percent of the gross income of which is derived from the
9 sale of prepared meals or food, or means a restaurant provided with special space and
10 accommodations where, in consideration of payment, food, without lodging, is habitually
11 furnished to travelers and customers, and which restaurant establishment's annual gross receipts
12 immediately preceding its application for a license shall not have been less than seventy-five
13 thousand dollars per year with at least fifty thousand dollars of such gross receipts from
14 nonalcoholic sales, or means a seasonal resort restaurant with food sales as determined in
15 subsection 2 of this section. Any facility which is owned and operated as a part of the resort may

16 be used to sell intoxicating liquor by the drink for consumption on the premises of such facility
17 and, for the purpose of meeting the annual gross receipts requirements of this subsection, if any
18 facility which is a part of the resort meets such requirement, such requirement shall be deemed
19 met for any other facility which is a part of the resort.

20 2. A seasonal resort restaurant is a restaurant which is not a new restaurant establishment
21 and which is open for business eight or fewer consecutive months in any calendar year. Fifty
22 percent of all gross sales of such restaurant shall be sales of prepared meals. Any new seasonal
23 resort restaurant establishment having been in operation for less than twelve weeks may be
24 issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on
25 the premises for a period not to exceed ninety days if the seasonal resort restaurant establishment
26 can show a projection for annualized gross sales of which fifty percent shall be sales of prepared
27 meals. The temporary license fee and the annual license fee shall be prorated to reflect the
28 period of operation of the seasonal resort restaurant. The license shall be valid only during the
29 period for which application was made and for which the fee was paid. Any seasonal resort
30 restaurant upon resuming business for its season of operation shall not be considered a new
31 establishment for purposes of issuing a temporary license. Nothing in this subsection shall
32 prohibit a seasonal resort restaurant from becoming a resort restaurant upon application, payment
33 of fees, and compliance with the requirements of this chapter.

34 3. [The times for opening and closing the establishments as fixed in section 311.290,]
35 The authority for the collection of fees by counties as provided in section 311.220[,] and all other
36 laws and regulations of the state relating to the sale of liquor by the drink for consumption on
37 the premises where sold shall apply to resorts in the same manner as they apply to establishments
38 licensed under section 311.090.

39 4. Any new resort or restaurant establishment having been in operation for less than
40 ninety days may be issued a temporary license to sell intoxicating liquor by the drink at retail for
41 consumption on the premises for a period not to exceed ninety days if the resort or restaurant
42 establishment can show a projection of an annual gross receipts of not less than seventy-five
43 thousand dollars per year with at least fifty thousand dollars of such gross receipts from
44 nonalcoholic sales. The license fee shall be prorated for the period of the temporary license
45 based on the cost of the annual license for the establishment.

311.096. 1. As used in this section, the term "common eating and drinking area" means
2 an area or areas within a building or group of buildings designated for the eating of food and
3 drinking of liquor sold at retail by establishments which do not provide areas within their
4 premises for the consumption of food and liquor; where the costs of maintaining such area or
5 areas are shared by the payment of common area maintenance charges, as provided in the
6 respective leases permitting the use of such areas, or otherwise; and where the annual gross

7 income from the sale of prepared meals or food consumed in such common eating and drinking
8 area is, or is projected to be, at least two hundred seventy-five thousand dollars.

9 2. Notwithstanding any other provisions of this chapter to the contrary, any person who
10 possesses the qualifications required by this chapter, or who now or hereafter meets the
11 requirements of and complies with the provisions of this chapter, may apply for, and the
12 supervisor of liquor control may issue, a license to sell intoxicating liquor, as defined in this
13 chapter, by the drink at retail not for consumption on the premises where sold but for
14 consumption in a common eating and drinking area, as described in the application for such
15 license. In addition to all other fees required by law, each establishment in a common eating and
16 drinking area licensed under this subsection shall pay to the director of revenue the sum of three
17 hundred dollars per year. [The times for selling intoxicating liquor as fixed in section 311.290,]
18 The authority for the collection of fees by counties and cities as provided in section 311.220[,]
19 and all other laws and regulations of this state relating to the sale of intoxicating liquor by the
20 drink shall apply to each establishment licensed under this subsection in the same manner as they
21 apply to establishments licensed under sections 311.085 and 311.090.

22 3. Notwithstanding any other provisions of this chapter to the contrary, any person who
23 possesses the qualifications required by this chapter, and who now or hereafter meets the
24 requirements of and complies with the provisions of this chapter, may apply for, and the
25 supervisor of liquor control may issue, a license to sell intoxicating liquor, as defined in this
26 chapter, [between the hours of 11:00 a.m. on Sunday and 12:00 midnight] on Sunday by the
27 drink at retail not for consumption on the premises where sold but for consumption in a common
28 eating and drinking area, as described in the application for such license. In addition to all other
29 fees required by law, each establishment in a common eating and drinking area licensed under
30 this subsection shall pay an additional fee of two hundred dollars a year payable at the same time
31 and in the same manner as its other license fees.

32 [4. Any person possessing the qualifications and meeting the requirements of this
33 chapter, who is licensed to sell intoxicating liquor by the drink at retail not for consumption on
34 the premises where sold but for consumption in a common eating and drinking area, may apply
35 to the supervisor of liquor control for a special permit to remain open on all days of the week
36 except Sunday between the hours of 1:30 a.m. to 3:00 a.m. The provisions of subsection 3 of
37 this section shall apply to the sale of intoxicating liquor by the drink at retail not for consumption
38 on the premises where sold but for consumption in a common eating and drinking area on
39 Sunday. To qualify for such a permit, the premises of such an applicant must be located in an
40 area which has been designated as a convention trade area by the governing body of the county
41 or city. An applicant granted a special permit under this section shall pay, in addition to all other

42 fees required by this chapter, an additional fee of three hundred dollars a year payable at the time
43 and in the same manner as its other license fees.]

311.179. 1. Any person possessing the qualifications and meeting the requirements of
2 this chapter who is licensed to sell intoxicating liquor by the drink at retail in an international
3 airport located in a county with a charter form of government and with more than nine hundred
4 fifty thousand inhabitants may apply to the supervisor of liquor control for a special permit. The
5 permit shall allow the premises located in the international airport in such county to [open at 4
6 a.m. and] sell intoxicating liquor by the drink at retail for consumption on the premises where
7 sold. [The provisions of this section and not those of section 311.097 regarding the time of
8 opening shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the
9 premises where sold on Sunday.]

10 2. An applicant granted a special permit pursuant to this section shall, in addition to all
11 other fees required by this chapter, pay an additional fee of three hundred dollars a year payable
12 at the time and in the same manner as its other license fees.

311.190. 1. For the privilege of manufacturing wine or brandy, which manufacturing
2 shall be in accordance with all provisions of federal law applicable thereto except as may
3 otherwise be specified in this section, in quantities not to exceed five hundred thousand gallons,
4 not in excess of eighteen percent of alcohol by weight for wine, or not in excess of thirty-four
5 percent of alcohol by weight for brandy, from grapes, berries, other fruits, fruit products, honey,
6 and vegetables produced or grown in the state of Missouri, exclusive of sugar, water and spirits,
7 there shall be paid to and collected by the director of revenue, in lieu of the charges provided in
8 section 311.180, a license fee of five dollars for each five hundred gallons or fraction thereof of
9 wine or brandy produced up to a maximum license fee of three hundred dollars.

10 2. Notwithstanding the provisions of subsection 1 of this section, a manufacturer
11 licensed under this section may use in any calendar year such wine- and brandy-making material
12 produced or grown outside the state of Missouri in a quantity not exceeding fifteen percent of
13 the manufacturer's wine entered into fermentation in the prior calendar year.

14 3. In any year when a natural disaster causes substantial loss to the Missouri crop of
15 grapes, berries, other fruits, fruit products, honey or vegetables from which wines are made, the
16 director of the department of agriculture shall determine the percent of loss and allow a certain
17 additional percent, based on the prior calendar year's production of such products, to be
18 purchased outside the state of Missouri to be used and offered for sale by Missouri wineries.

19 4. A manufacturer licensed under this section may purchase and sell bulk or packaged
20 wines or brandies received from other manufacturers licensed under this section and may also
21 purchase in bulk, bottle and sell to duly licensed wineries, wholesalers and retail dealers on any
22 day except Sunday, and a manufacturer licensed under this section may offer samples of wine,

23 may sell wine and brandy in its original package directly to consumers at the winery, and may
24 open wine so purchased by customers so that it may be consumed on the winery premises [on
25 Monday through Saturday between 6:00 a.m. and midnight and on Sunday between 9:00 a.m.
26 and 10:00 p.m].

311.200. 1. No license shall be issued for the sale of intoxicating liquor in the original
2 package, not to be consumed upon the premises where sold, except to a person engaged in, and
3 to be used in connection with, the operation of one or more of the following businesses: a drug
4 store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or
5 delicatessen store, nor to any such person who does not have and keep in his store a stock of
6 goods having a value according to invoices of at least one thousand dollars, exclusive of fixtures
7 and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the
8 premises where sold nor shall any original package be opened on the premises of the vendor
9 except as otherwise provided in this law. For every license for sale at retail in the original
10 package, the licensee shall pay to the director of revenue the sum of one hundred dollars per year.

11 2. For a permit authorizing the sale of malt liquor not in excess of five percent by weight
12 by grocers and other merchants and dealers in the original package direct to consumers but not
13 for resale, a fee of fifty dollars per year payable to the director of the department of revenue shall
14 be required. The phrase "original package" shall be construed and held to refer to any package
15 containing three or more standard bottles of beer. [Notwithstanding the provisions of section
16 311.290, any person licensed pursuant to this subsection may also sell malt liquor at retail
17 between the hours of 9:00 a.m. and midnight on Sunday.]

18 3. For every license issued for the sale of malt liquor at retail by drink for consumption
19 on the premises where sold, the licensee shall pay to the director of revenue the sum of fifty
20 dollars per year. [Notwithstanding the provisions of section 311.290, any person licensed
21 pursuant to this subsection may also sell malt liquor at retail between the hours of 9:00 a.m. and
22 midnight on Sunday.]

23 4. For every license issued for the sale of malt liquor and light wines containing not in
24 excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other
25 fruits and vegetables, at retail by the drink for consumption on the premises where sold, the
26 licensee shall pay to the director of revenue the sum of fifty dollars per year.

27 5. For every license issued for the sale of all kinds of intoxicating liquor, at retail by the
28 drink for consumption on premises of the licensee, the licensee shall pay to the director of
29 revenue the sum of three hundred dollars per year, which shall include the sale of intoxicating
30 liquor in the original package.

31 6. For every license issued to any railroad company, railway sleeping car company
32 operated in this state, for sale of all kinds of intoxicating liquor, as defined in this chapter, at

33 retail for consumption on its dining cars, buffet cars and observation cars, the sum of one
34 hundred dollars per year; except that such license shall not permit sales at retail to be made while
35 such cars are stopped at any station. A duplicate of such license shall be posted in every car
36 where such beverage is sold or served, for which the licensee shall pay a fee of one dollar for
37 each duplicate license.

38 7. All applications for licenses shall be made upon such forms and in such manner as the
39 supervisor of alcohol and tobacco control shall prescribe. No license shall be issued until the
40 sum prescribed by this section for such license shall be paid to the director of revenue.

311.218. 1. Other provisions of this chapter to the contrary notwithstanding, a permit
2 for the sale of wine and malt liquor for consumption on the premises where sold may be issued
3 to any church, school, civic, service, fraternal, veteran, political, or charitable club or
4 organization for sale of such wine and malt liquor at any picnic, bazaar, fair, festival or similar
5 gathering or event held to commemorate the annual anniversary of the signing of the Declaration
6 of Independence of the United States. Such permit shall be issued only during the period from
7 June fifteenth to July fifteenth annually and only for the day or days named therein and it shall
8 not authorize the sale of wine and malt liquor [except between the hours of 10:00 a.m. and
9 midnight and] for not more than seven days by any such organization. The permit may be issued
10 to cover more than one place of sale within the general confines of the place where the gathering
11 or event is held; provided, however, no permit shall be issued to any organization which selects
12 or restricts the membership thereof on the basis of race, religion, color, creed, or place of national
13 origin. For the permit, the holder thereof shall pay to the director of revenue the sum of one
14 hundred dollars. No provision of law or rule or regulation of the supervisor shall prevent any
15 wholesaler or distributor from providing customary storage, cooling or dispensing equipment for
16 use by the holder of the permit at such gathering or event.

17 2. As used in this section the term "wine" means a beverage containing not in excess of
18 fourteen percent of alcohol by weight.

311.480. 1. It shall be unlawful for any person operating any premises where food,
2 beverages or entertainment are sold or provided for compensation, who does not possess a
3 license for the sale of intoxicating liquor, to permit the drinking or consumption of intoxicating
4 liquor in the premises, without having a license as in this section provided.

5 2. Application for such license shall be made to the supervisor of alcohol and tobacco
6 control on forms to be prescribed by him, describing the premises to be licensed and giving all
7 other reasonable information required by the form. The license shall be issued upon the payment
8 of the fee required in this section. A license shall be required for each separate premises and
9 shall expire on the thirtieth day of June next succeeding the date of such license. The license fee
10 shall be sixty dollars per year and the applicant shall pay five dollars for each month or part

11 thereof remaining from the date of the license to the next succeeding first of July. Applications
12 for renewals of licenses shall be filed on or before the first of May of each year.

13 3. The drinking or consumption of intoxicating liquor shall not be permitted in or upon
14 the licensed premises by any person under twenty-one years of age[, or by any other person
15 between the hours of 1:30 a.m. and 6:00 a.m. on any weekday, and between the hours of 1:30
16 a.m. Sunday and 6:00 a.m. Monday]. Licenses issued hereunder shall be conditioned upon the
17 observance of the provisions of this section and the regulations promulgated thereunder
18 governing the conduct of premises licensed for the sale of intoxicating liquor by the drink. [The
19 provision of this section regulating the drinking or consumption of intoxicating liquor between
20 certain hours and on Sunday shall apply also to premises licensed under this chapter to sell
21 intoxicating liquor by the drink.] In any incorporated city having a population of more than
22 twenty thousand inhabitants, the board of aldermen, city council, or other proper authorities of
23 incorporated cities may, in addition to the license fee required in this section, require a license
24 fee not exceeding three hundred dollars per annum, payable to the incorporated cities, and
25 provide for the collection thereof; make and enforce ordinances regulating the hours of
26 consumption of intoxicating liquors on premises licensed hereunder, not inconsistent with the
27 other provisions of this law, and provide penalties for the violation thereof. No person shall be
28 granted a license hereunder unless such person is of good moral character and a qualified legal
29 voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be
30 granted a license hereunder unless the managing officer of such corporation is of good moral
31 character and a qualified legal voter and taxpaying citizen of the county, town, city or village.

32 4. Any premises operated in violation of the provisions of this section, or where
33 intoxicating liquor is consumed in violation of this section, is hereby declared to be a public and
34 common nuisance, and it shall be the duty of the supervisor of alcohol and tobacco control and
35 of the prosecuting or circuit attorney of the city of St. Louis, and the prosecuting attorney of the
36 county in which the premises are located, to enjoin such nuisance.

37 5. Any person operating any premises, or any employee, agent, representative, partner,
38 or associate of such person, who shall knowingly violate any of the provisions of this section,
39 or any of the laws or regulations herein made applicable to the conduct of such premises, is
40 guilty of a class A misdemeanor.

41 6. The supervisor of alcohol and tobacco control is hereby empowered to promulgate
42 regulations necessary or reasonably designed to enforce or construe the provisions of this section,
43 and is empowered to revoke or suspend any license issued hereunder, as provided in this chapter,
44 for violation of this section or any of the laws or regulations herein made applicable to the
45 conduct of premises licensed hereunder.

46 7. Nothing in this section shall be construed to prohibit the sale or delivery of any
47 intoxicating liquor during any of the hours or on any of the days specified in this section by a
48 wholesaler licensed under the provisions of section 311.180 to a person licensed to sell the
49 intoxicating liquor at retail.

50 8. No intoxicating liquor may be served or sold on any premises used as a polling place
51 on election day.

 311.482. 1. Notwithstanding any other provision of this chapter, a permit for the sale
2 of all kinds of intoxicating liquor, including intoxicating liquor in the original package, at retail
3 by the drink for consumption on the premises of the licensee may be issued to any church,
4 school, civic, service, fraternal, veteran, political, or charitable club or organization for the sale
5 of such intoxicating liquor at a picnic, bazaar, fair, or similar gathering. The permit shall be
6 issued only for the day or days named therein and it shall not authorize the sale of intoxicating
7 liquor for more than seven days by any such club or organization.

8 2. To secure the permit, the applicant shall complete a form provided by the supervisor,
9 but no applicant shall be required to furnish a personal photograph as part of the application.
10 The applicant shall pay a fee of twenty-five dollars for such permit.

11 3. [If the event will be held on a Sunday, the permit shall authorize the sale of
12 intoxicating liquor on that day beginning at 11:00 a.m.

13 4.] At the same time that an applicant applies for a permit under the provisions of this
14 section, the applicant shall notify the director of revenue of the holding of the event and by such
15 notification, by certified mail, shall accept responsibility for the collection and payment of any
16 applicable sales tax. Any sales tax due shall be paid to the director of revenue within fifteen days
17 after the close of the event, and failure to do so shall result in a liability of triple the amount of
18 the tax due plus payment of the tax, and denial of any other permit for a period of three years.
19 Under no circumstances shall a bond be required from the applicant.

20 [5.] 4. No provision of law or rule or regulation of the supervisor shall be interpreted
21 as preventing any wholesaler or distributor from providing customary storage, cooling or
22 dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar
23 gathering.

 [311.088. Any person possessing the qualifications and meeting the
2 requirements of this chapter who is licensed to sell intoxicating liquor by the
3 drink at retail for consumption on the premises in a home rule city with more
4 than four hundred thousand inhabitants and located in more than one county may
5 be issued a special permit by the state and such city. Notwithstanding the
6 provisions of section 311.089 to the contrary, the special permit issued under this
7 section shall allow the licensed premises to sell intoxicating liquor from 6:00
8 a.m. until 3:00 a.m. on the morning of the following day within one twenty-four
9 hour period. Any person granted a special permit under this section shall only be

authorized to receive up to six such special permits from the city in a calendar year. For every special permit issued under the provisions of this section, the permittee shall pay to the director of the department of revenue the sum of fifty dollars.]

[311.174. 1. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises in a city with a population of at least four thousand inhabitants which borders the Missouri River and also borders a city with a population of over three hundred thousand inhabitants located in at least three counties, in a city with a population of over three hundred thousand which is located in whole or in part within a first class county having a charter form of government or in a first class county having a charter form of government which contains all or part of a city with a population of over three hundred thousand inhabitants, may apply to the supervisor of alcohol and tobacco control for a special permit to remain open on each day of the week until 3:00 a.m. of the morning of the following day; except that, an entity exempt from federal income taxes under Section 501(c)(7) of the Internal Revenue Code of 1986, as amended, and located in a building designated as a National Historic Landmark by the United States Department of the Interior may apply for a license to remain open until 6:00 a.m. of the following day. The time of opening on Sunday may be 9:00 a.m. The provisions of this section and not those of section 311.097 regarding the time of closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on Sunday. When the premises of such an applicant is located in a city as defined in this section, then the premises must be located in an area which has been designated as a convention trade area by the governing body of the city. When the premises of such an applicant is located in a county as defined in this section, then the premises must be located in an area which has been designated as a convention trade area by the governing body of the county.

2. An applicant granted a special permit under this section shall in addition to all other fees required by this chapter pay an additional fee of three hundred dollars a year payable at the time and in the same manner as its other license fees.

3. The provisions of this section allowing for extended hours of business shall not apply in any incorporated area wholly located in any first class county having a charter form of government which contains all or part of a city with a population of over three hundred thousand inhabitants until the governing body of such incorporated area shall have by ordinance or order adopted the extended hours authorized by this section.]

[311.176. 1. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the

3 drink at retail for consumption on the premises in a city not located within a
4 county, may apply to the supervisor of alcohol and tobacco control for a special
5 permit to remain open on each day of the week until 3:00 a.m. of the morning of
6 the following day. The time of opening on Sunday may be 9:00 a.m. The
7 provisions of this section and not those of section 311.097 regarding the time of
8 closing shall apply to the sale of intoxicating liquor by the drink at retail for
9 consumption on the premises on Sunday. To qualify for such a permit, the
10 premises of such an applicant must be located in an area which has been
11 designated as a convention trade area by the governing body of the city and the
12 applicant must meet at least one of the following conditions:

13 (1) The business establishment's annual gross sales for the year
14 immediately preceding the application for extended hours equals one hundred
15 fifty thousand dollars or more; or

16 (2) The business is a resort. For purposes of this section, a "resort" is
17 defined as any establishment having at least sixty rooms for the overnight
18 accommodation of transient guests and having a restaurant located on the
19 premises.

20 2. An applicant granted a special permit pursuant to this section shall, in
21 addition to all other fees required by this chapter, pay an additional fee of three
22 hundred dollars a year payable at the time and in the same manner as its other
23 license fees.]
24

2 [311.178. 1. Any person possessing the qualifications and meeting the
3 requirements of this chapter who is licensed to sell intoxicating liquor by the
4 drink at retail for consumption on the premises in a county of the first
5 classification having a charter form of government and not containing all or part
6 of a city with a population of over three hundred thousand may apply to the
7 supervisor of alcohol and tobacco control for a special permit to remain open on
8 each day of the week until 3:00 a.m. of the morning of the following day. The
9 time of opening on Sunday may be 9:00 a.m. The provisions of this section and
10 not those of section 311.097 regarding the time of closing shall apply to the sale
11 of intoxicating liquor by the drink at retail for consumption on the premises on
12 Sunday. The premises of such an applicant shall be located in an area which has
13 been designated as a convention trade area by the governing body of the county
14 and the applicant shall meet at least one of the following conditions:

15 (1) The business establishment's annual gross sales for the year
16 immediately preceding the application for extended hours equals one hundred
17 fifty thousand dollars or more; or

18 (2) The business is a resort. For purposes of this subsection, a "resort"
19 is defined as any establishment having at least sixty rooms for the overnight
20 accommodation of transient guests and having a restaurant located on the
premises.

2. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises in a county of the third classification without a township form of government having a population of more than twenty-three thousand five hundred but less than twenty-three thousand six hundred inhabitants, a county of the third classification without a township form of government having a population of more than nineteen thousand three hundred but less than nineteen thousand four hundred inhabitants or a county of the first classification without a charter form of government with a population of at least thirty-seven thousand inhabitants but not more than thirty-seven thousand one hundred inhabitants may apply to the supervisor of alcohol and tobacco control for a special permit to remain open on each day of the week until 3:00 a.m. of the morning of the following day. The time of opening on Sunday may be 9:00 a.m. The provisions of this section and not those of section 311.097 regarding the time of closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on Sunday. The applicant shall meet all of the following conditions:

(1) The business establishment's annual gross sales for the year immediately preceding the application for extended hours equals one hundred thousand dollars or more;

(2) The business is a resort. For purposes of this subsection, a "resort" is defined as any establishment having at least seventy-five rooms for the overnight accommodation of transient guests, having at least three thousand square feet of meeting space and having a restaurant located on the premises; and

(3) The applicant shall develop, and if granted a special permit shall implement, a plan ensuring that between the hours of 1:30 a.m. and 3:00 a.m. no sale of intoxicating liquor shall be made except to guests with overnight accommodations at the licensee's resort. The plan shall be subject to approval by the supervisor of alcohol and tobacco control and shall provide a practical method for the division of alcohol and tobacco control and other law enforcement agencies to enforce the provisions of subsection 3 of this section.

3. While open between the hours of 1:30 a.m. and 3:00 a.m. under a special permit issued pursuant to subsection 2 of this section, it shall be unlawful for a licensee or any employee of a licensee to sell intoxicating liquor to or permit the consumption of intoxicating liquor by any person except a guest with overnight accommodations at the licensee's resort.

4. An applicant granted a special permit pursuant to this section shall, in addition to all other fees required by this chapter, pay an additional fee of three hundred dollars a year payable at the time and in the same manner as its other license fees.

5. The provisions of this section allowing for extended hours of business shall not apply in any incorporated area wholly located in any county of the first classification having a charter form of government which does not contain all or

part of a city with a population of over three hundred thousand inhabitants until the governing body of such incorporated area shall have by ordinance or order adopted the extended hours authorized by this section.]

[311.290. No person having a license issued pursuant to this chapter, nor any employee of such person, shall sell, give away, or permit the consumption of any intoxicating liquor in any quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday, upon or about his or her premises. If the person has a license to sell intoxicating liquor by the drink, his premises shall be and remain a closed place as defined in this section between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday. Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs or hotels, this section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants whose business is conducted in one room only and substantial quantities of food and merchandise other than intoxicating liquors are dispensed, then the licensee shall keep securely locked during the hours and on the days specified in this section all refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed. A "closed place" is defined to mean a place where all doors are locked and where no patrons are in the place or about the premises. Any person violating any provision of this section shall be deemed guilty of a class A misdemeanor. Nothing in this section shall be construed to prohibit the sale or delivery of any intoxicating liquor during any of the hours or on any of the days specified in this section by a wholesaler licensed under the provisions of section 311.180 to a person licensed to sell the intoxicating liquor at retail.]

[311.293. 1. Except for any establishment that may apply for a license under section 311.089, any person possessing the qualifications and meeting the requirements of this chapter, who is licensed to sell intoxicating liquor at retail, may apply to the supervisor of alcohol and tobacco control for a special license to sell intoxicating liquor at retail between the hours of 9:00 a.m. and midnight on Sundays. A licensee under this section shall pay to the director of revenue an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees.

2. In addition to any fee collected pursuant to section 311.220, a city or county may charge and collect an additional fee not to exceed three hundred dollars from any licensee under this section for the privilege of selling intoxicating liquor at retail between the hours of 9:00 a.m. and midnight on Sundays in such city or county; however the additional fee shall not exceed the fee charged by that city or county for a special license issued pursuant to any

15 provision of this chapter which allows a licensee to sell intoxicating liquor by the
16 drink for consumption on the premises of the licensee on Sundays.

17 3. The provisions of this section regarding the time of closing shall not
18 apply to any person who possesses a special permit issued under section 311.174,
19 311.176, or 311.178.]
20

2 [311.489. 1. After obtaining the approvals as described in this section,
3 a permit for the sale of intoxicating liquor as defined in section 311.020, and
4 nonintoxicating beer as defined in section 312.010, for consumption on premises
5 where sold, and to conduct specified festival events, shall be issued by the
6 division of alcohol and tobacco control to any festival district, located in a
7 community improvement district in any home rule city with more than four
8 hundred thousand inhabitants and located in more than one county, that includes
9 three or more businesses that are licensed bars, nightclubs, restaurants, or other
10 entertainment venues and a common area that is closed to vehicle traffic,
11 provided that the permit is held by a promotional association. A "promotional
12 association" is defined as an entity formed by property owners who own or
13 operate fifty percent or more of the square feet of bars, nightclubs, restaurants,
14 and other entertainment venues located within the proposed festival district.

15 2. The promotional association shall obtain a permit from the division if
16 the promotional association submits a plan to the governing body of the city and
17 such a plan receives approval from the city governing body. The plan submitted
18 shall include the legal description of the district and the common area within
19 which such festivals shall be held, the name and address and responsible person
20 for each business participating in the promotional association, the specific
21 calendar of events for the district which shall not exceed twenty-four such events
22 annually and shall include the dates and times of any such events, a description
23 of the proposed festival activities, including any proposed public street closures
24 if applicable, proof of adequate insurance, and a detailed description of security
25 for any proposed festivals which shall be provided at the sole expense of the
26 promotional association. Such detailed description of security shall be approved
27 by the city police department and the city department of liquor control prior to the
28 plan being approved by the city. Each event on the calendar shall not exceed
29 forty-eight hours in length. No more than two events shall be held in any
30 calendar month. Such permit shall cost three hundred dollars per year.

31 3. Prior to approving the plan, the city shall notify all property owners in
32 the proposed district and within five hundred feet of such district's boundaries.
33 The city shall hold a public hearing at least thirty days after providing such notice
34 to obtain public views and comments on the issue. The city shall not approve any
35 plan unless the promotional association has obtained written approval from at
36 least fifty percent of the property owners within the district and within one
37 hundred eighty-five feet of its borders. If the written approvals required under
this section are obtained and the city approves the plan, the promotional

association may conduct the events described in the plan and may sell liquor for consumption within the district common areas. Such liquor sales may only occur between 9:00 a.m. and 1:00 a.m. In addition, for no more than ten twenty-four hour periods in a year, such promotional association may permit customers to leave an establishment within the district after purchasing an alcoholic beverage and consume the beverage in the district common areas or another licensed establishment within the district. All containers allowed to be removed from an establishment shall be marked with the name or logo of the establishment where it was purchased. No person shall be allowed to take any alcoholic beverage outside the boundaries of the festival district.

4. If participating in a promotional association event, every bar, nightclub, restaurant, promotional association, or other entertainment venue that serves alcoholic beverages within the festival district shall use disposable paper, plastic, or foam cups or other light-weight containers for all alcoholic beverages that the bar, nightclub, restaurant, promotional association, or other entertainment venue sells within the festival district boundaries for consumption in the district common area.

5. Minors shall not be allowed to enter the festival district during a festival event that serves liquor.

6. The holder of the permit is solely responsible for any alcohol violations occurring within the common areas. For any violation of this chapter or of any rule or regulation of the supervisor of alcohol and tobacco control, the promotional association may be assessed a civil fine of not more than five thousand dollars. If a promotional association is found to be responsible for such violations at three separate events, then such promotional association shall not seek approval for subsequent plans without the prior written consent of the supervisor of alcohol and tobacco control. The promotional association's then-current plan shall be deemed terminated, and the businesses participating in the promotional association's events shall not participate in activities permitted by subsection 3 of this section without prior written consent from the supervisor of alcohol and tobacco control.

7. The provisions of this section shall expire two years after August 28, 2009.]

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